



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re patent application of: |) | Group Art Unit: 1634 |
| BEE <i>et al.</i> |) | |
| |) | Confirmation No. 3579 |
| Serial No: 10/632,658 |) | |
| |) | Examiner: WHISENANT, Ethan C. |
| Filed: August 1, 2003 |) | |
| |) | Attny. Docket No. GP103-03.DV1 |
| For: DETECTION OF HIV-1 BY NUCLEIC |) | |
| ACID AMPLIFICATION |) | |

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Pursuant to 37 CFR § 1.321(b)(1) the undersigned attorney of record is empowered to act on behalf of the Assignee, Gen-Probe Incorporated ("Assignee").

In accordance with 37 CFR § 3.73(b), Assignee represents that it is the sole owner of the complete rights to this application by assignment of the above-referenced application, which is a divisional of U.S. Patent No. 6,623,920, all by virtue of an assignment of U.S. Application No. 60/143,072, recorded at Reel No. 010386, Frame No. 0215 by the Assignment Division of the U.S. Patent and Trademark Office on November 08, 1999. The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, full title is in the Assignee identified above.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of claims 1-20, 23-31, and 33-38 of U.S. Patent No. 6,623,920, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 6,623,920. This agreement shall be binding on the grantee and its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,623,920, and that of any patent issuing on the above-identified application in the event that one later expires for failure to pay a maintenance fee, is held

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Terminal Disclaimer
Art Unit: 1634
Examiner: Ethan C. Whisenant

unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Authorization is hereby provided to debit the fee set forth in 37 CFR § 1.20(d) from Deposit Account No. 07-0835, maintained in the name of Gen-Probe Incorporated.

Respectfully submitted,



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Mail Certification

I hereby certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as first class mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 4, 2006



Christine A. Gritzmacher